

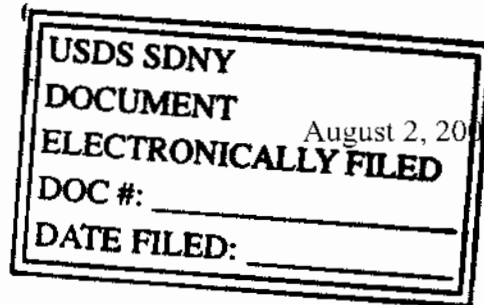
MEMO ENDORSED

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BY HAND

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Shorter v. City of New York, et al., 07 CV 4793 (LAK)

Dear Judge Kaplan:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney for defendants City of New York ("City"), Commissioner Raymond Kelly, and Deputy Inspector William Aubry. I am writing, with the consent of plaintiff's counsel, Leo Glickman, Esq., to respectfully request a thirty-day enlargement of time, from the date this office receives outstanding unsealing releases, to answer or otherwise respond to the complaint. Defendants' answer is currently due by August 6, 2007. This is defendants' first request for an enlargement of time in this action.

The reason for this request is that to date this office has not received the designations of the Corporation Counsel as plaintiff's agent for release of records sealed pursuant to N.Y. Crim. P. Law § 160.50 ("§ 160.50 release"). Plaintiff alleges in the complaint that he was subjected to, *inter alia*, false arrest/imprisonment, unlawful search and excessive force. Pursuant to N.Y. Crim. P. Law § 160.50, all official records concerning the arrest and/or prosecution of plaintiff were sealed by court order upon the termination of the criminal action.

By letters dated June 21, 2007 and July 20, 2007, this office sent to plaintiff releases for the unsealing of the Criminal Court, District Attorney, and police records pursuant to N.Y. Crim. P. Law § 160.50, as well as releases for plaintiff's medical records. Without the requested releases this office is unable to obtain pertinent records relating to this case and cannot properly assess this case or respond to the complaint in a manner consistent with our obligations under Fed. R. Civ. P. 11. Pursuant to a telephone conversation with plaintiff's counsel today, he informed this office that he is in the process of trying to obtain executed releases from his client and will produce them to this office as soon as possible.

Application granted. AUG 03 2007

So Ordered:

HON. GEORGE DANIELS

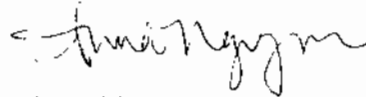
George B. Daniels
USDC Part I 8/3/07

MEMO ENDORSED

In view of the foregoing, it is respectfully requested that the Court grant the within request that defendants be granted thirty days from the date of receipt of the outstanding releases to answer or otherwise respond to the complaint.

Thank you for your consideration in this regard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anna Nguyen", is written over a horizontal line.

Anna Nguyen (AN 6973)
Assistant Corporation Counsel
Special Federal Litigation Division

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